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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HO, TUAN V	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,471	SUEMOTO ET AL.	
	Examiner	Art Unit	
	Tuan V. Ho	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-17,19,20 and 22-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-17,19,20 and 22-43, 47-49* is/are rejected.

7)☒ Claim(s) *44-46* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/13/2005 has been entered.

2. Applicant's arguments filed 9/7/04 have been fully considered but they are not persuasive.

With regard to claim 1-3, 5-6, 9-13, 15, 17-20, 22-23, 26-30, 32 and 34, Applicants argue: that Yamauchi does not disclose the claimed feature "wherein said predetermined automatic selection basis is set based on the order of media loaded to said plurality of medium wearable units" in claim 1. In response to the arguments, the examiner notes that Yamauchi discloses all the limitations of claim 1, and also wherein said predetermined automatic selection basis is set based on the order of media loaded to said plurality of medium wearable units (Figure 76, Column 44, Line 58 through Column 45, Line 14). With two memory card slots (memory card 1 and memory card 2 as shown in Figs. 62, 76, 87B and 88), a user can select memory card 1 for storing

(item 3 shown in Fig. 87B and 88) since the user select card slot "memory card 1". As a result, the user selects a card slot as desired and the selection of the order of memory card 1 is based on the order of "1" as selected by the user. Therefore, the user selection reflects the user's medium selection trait and after selecting the order of the card (1 or 2), the control circuit would automatically record image signals in memory card 1 in accordance with the selected order of memory loaded by the user. It is noticed that the examiner understands the difference between the claimed invention and the prior art; however, claims are broad enough to read on the prior art.

With regard to claim 35, Applicant s argue that Suga does not discloses the feature of automatically selecting a write-execution medium wearable unit according to a data characteristic that reflects a user' medium selection trait. In response to the arguments, the examiner notes that after a user activates selection button 63, a recording medium is automatically selected by system controller 500 via selector circuit 64; where the recording medium is selected in accordance with the user's desired selections. In other words, the selections reflect user's medium selection trait which is a uer desired selection.

For the reasons, the rejection is repeated.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-6, 9-13, 15, 17, 19-20, 22-23, 26-30, 32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamauchi.

For claim 1, Yamauchi discloses: an image capturing apparatus (Figure 1) that is capable of loading a plurality of memory media (The edit processing unit is first shown in Figure 1, item 607. The detailed picture of Item 607 is shown in Figure 62. Figure 62 has two memory cards slots, which are item 614 and 61 5, respectively), comprising a plurality of medium wearable units in which a respective memory medium is loaded

detachably (The memory cards in Figure 62, item 614 and 615 are able to be inserted and ejected , Column 38, Lines 27-37), a medium selector for selecting from said plurality of medium wearable units a write- execution medium wearable unit that executes writing of data (Figure 76, Item 629A,. Column 44, Line 58 through Column 45, Line 14), and a selection controller for controlling said medium selector, said selection controller having an automatic selection controller for selecting said write- execution medium wearable unit according to a predetermined automatic selection basis that reflects a user's medium selection trait (Figure 88).

In Figure 88, there is an automatic potion (6) in the bottom right corner. As explained in Column 57, Lines 50-63, the automatic function allows a user to store image data on the memory cards without having repeatedly to operate all the steps; wherein said predetermined automatic selection basis is set based on the order of media loaded to said plurality of medium wearable units (Figure 76, Column 44, Line 58 through Column 45, Line 14). With only two memory card slots, the device must select one of the memory cards to activate the first recording under the first selection bus. When that card is full, the device will then transfer the data to the other memory card by using the other selection bus. This is accomplished through the

card type connecter (504). Therefore, in fact, Yamauchi does inherently teach the automatic selection of the memory on the basis of order of memory card loaded by the user.

For claim 2, Yamauchi discloses all the previous limitations of claim 1, and also wherein said selection controller selects another medium wearable unit (Figure 62, item 614 and 615) when the available memory of said write-execution medium wearable unit (Figure 62, Item 614 and 61 5) selected according to said predetermined automatic selection basis is not enough (Figure 76, Column 44, Line 58 through Column 45, Line 14).
The device checks the recording capacity of the memory card. if there is no recording capacity eh, the selection of the bus is changed to the other memory card.

For claim 3, Yamauchi discloses all the previous limitations of claim 1, and also wherein said selection controller automatically selects another medium wearable unit (Figure 62, item 614 and 61 5) when the available memory of said selected write-execution medium wearable unit
(Figure 62, Item 614 and 61 5) in use is not enough (Figure 76, Column 44, Line 58 through Column 45, Line 14). The device checks the recording capacity of the memory card. If there is no recording capacity left, the selection of the bus is changed to the other memory card.

For claim 5, Yamauchi discloses all the previous limitations of claim 1, and also wherein said predetermined automatic selection basis is set based on the order of media loaded to said plurality of medium wearable units (Column 47, Lines 4-36).

For claim 6, Yamauchi discloses all the previous limitations of claim 1, and also wherein said predetermined 'automatic selection basis is set based on the type of data to be written (Column 47, Line 65 through Column 48, line 27).

For claim 9, Yamauchi discloses all the previous limitations of claim 1, and also wherein said plurality of medium wearable units adapt to different types of memory media, and said types of data to be written correspond to the type of memory media in said predetermined automatic selection basis (Figure 90, Column 52, Lines 2-38).

For claim 10, Yamauchi discloses all the previous limitations of claim 1, further comprising a selection basis setting section for setting at least one selection basis selected from a plurality of said predetermined automatic selection basis (Figure 90, Column 44 Line 58 through Column 45, Line 14).

For claim 11, Yamauchi discloses all the previous limitations of claim 1, further comprising a mode switch for

switching between a manual selection mode, which a user manually selects said write-execution medium wearable unit (Figure 62, item 614 and 61 5), and an automatic selection mode, which said automatic selection controller selects said write-execution medium wearable unit (Figure 88., Column 57, Lines 50-63). The manual mode is the default mode on the device. The automatic mode can be used as is described Column 57, Lines 50-63. The automatic mode is used so the user doesn't have to repeatedly select the same options when editing, compressing and storing images.

For claim 12, Yamauchi discloses all the previous limitations of claims 1 and 11, and also wherein said selection controller selects another medium wearable unit when said memory medium is not loaded in said write-execution medium wearable unit (It is inherent in the invention of Yamauchi that is there is no medium inserted in the slot that the selection controller would be forced to make another selection whether it be in manual or automatic mode).

For claim 13, Yamauchi discloses all the previous limitations of claims 1 and 11, and also said selection controller notifies the user that said memory medium (memory card) is not loaded when said memory medium (memory card) is not loaded in said write-execution medium wearable unit (Figure 62,

item 614 and 61 5) selected by the user under said manual selection mode, and notifies the user that said memory medium be loaded in said medium wearable unit where said memory medium is not loaded (Column 37, Line 65 through Column 38, Line 5). The display indication lights (614a and 615a) light up when the memory cards are loaded. This takes place in both automatic and manual mode. When there is no memory card inserted in the card insertion part, the lights are not lit. Therefore, when in manual selection mode, the unlit light will notify the user that the medium (selected or not) is loaded or unloaded.

For claim 15, Yamauchi discloses all the previous limitations of claim 1, further comprising at least one notice means (Figure 62, item 614a and 615a) providing a notice (indication light) in different ways according to a status of said medium wearable unit (Figure 62, item 614 and 61 5). The indication light in 614a and 615a provides a notice in two different ways. It is on when the card is inserted and it is off when the card is not inserted.

Claims 17, 19-20 and 22-23 have been analyzed as method claims and are rejected under the same grounds as apparatus claims 1-3 and 5-6.

Claims 26-30 have been analyzed as method claims and are rejected under the same grounds as apparatus claims 9-13.

Claim 32 has been analyzed as a method claim and is rejected under the same grounds as apparatus claim 15.

Claim 34 has been analyzed as a recording medium claim for the software of the automatic selection basis of claim 1. In Figure 88, the software is software is shown that corresponds to the following limitations: a medium selector for selecting from said plurality of medium wearable units a write-execution medium wearable unit that executes writing of data (Figure 76, item 629A, Column 44, Line 58 through Column 45, Line 14), and a selection controller for controlling said medium selector, said selection controller having an automatic selection controller for selecting said write-execution medium wearable unit according to a predetermined automatic selection basis that reflects a user's medium selection trait (Figure 88). In Figure 88, there is an automatic potion (6) in the bottom right corner. As explained in Column 57, Lines 50-63, the automatic function allows a user to store image data on the memory cards without having repeatedly to operate all the steps. The software must be stored on a medium in order for it to be accessed and run.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-8 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US 6,020,982) in view of Akamine.

For claims 7 and 8, Yamauchi discloses all the previous limitations of claims 1 and 5, and claims 1 and 6. The device of Yamauchi also captures and classifies audio data and stores on an audio recording unit (Figure 1). However, the Yamauchi invention doesn't record or classify the audio data on the editing machine memory cards in Figure 62.

Nevertheless, Akamine teaches a dual memory (Column 2, Lines 24-34) recording unit in which audio and image data are recorded on the same recording medium. The recorded audio and image data are synthesized together and stored on the same recording medium by the data synthesizing circuit (Figure 3, item 70). In order to be synthesized, the non-image (audio) data must be classified differently than image data by how it is compressed (Column 5, Line 43 through Column 6, Line 11).

Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to configure the device of Yamauchi with the recording medium capable of storing image and audio data on the same recording medium which would allow for the classification of audio and image to be classified accordingly on the memory card in order prevent the degradation of image and audio data throughout time as suggested by Akamine in Column 2, Lines 13-23.

Claims 24 and 25 have been analyzed as method claims and are rejected under the same grounds claims as apparatus claims 7 and 8.

4. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US 6,020,982) in view of Murata (US 5,627,587).

For claim 14, Yamauchi discloses all the previous limitations of claims 1, 11 and 13, but lacks teaching wherein the said notice is made by audio. An audio or sound notice to notify a user that the a memory card is not inserted in a camera is well known in the art and is taught by Murata in Column 3, Line 60 though Column 4, Line 9. Sound notification makes it possible to detect, immediately before photography whether a photographed image can be recorded on the solid-state memory.

This is suggested in the Summary of invention in Murata, Column 2, lines 25-33. Without the memory card inserted, the camera and editing device would not be able to store the image.

Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to configure the device of Yamauchi with a sound notification to a user that a memory card is not inserted in order to detect, immediately before photography whether a photographed image can be recorded on the solid state memory as is suggested by Murata.

Claim 31 has been analyzed as a method claim and is rejected under the same grounds claims as apparatus claim 14.

5. Claim 16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US 6,020,982) in view of Wakui (US 5,986,700).

For claim 16, Yamauchi discloses all the previous limitations of claim 1, but does not teach further comprising a power controller for controlling the power supply to said medium wearable unit that is not selected as said write-execution medium wearable unit. However, it is inherent that Yamauchi's invention must have a power supply and the medium wearable unit's in Figure 14 and 615 must be attached to the power supply in order to function. There is no explicit teaching in the

Yamauchi reference about controlling the power supply to the medium wearable unit (614 and 615). Wakui teaches a recording operation control device in which three IC memory cards are present (Figure 6, Item 41,42,43). Item 23 is a power control circuit. It is connected to all three of the medium wearable unit's (First slot, Second Slot…, item 31, 32…). The IC Memory Card Control Circuit (Item 18) selects which of the slots or medium wearable units' (31,32,33) the System Control Circuit (11) selects to use.

Therefore, the power for the selected and non-selected units (Slots, 31,32,33) is controlled by the power supply circuit. By controlling the power supply to selected memory cards, it becomes possible to reduce power consumption because power is only supplied when needed (Wakui; Column 2, Lines 4-24).

Therefore, it would have been obvious to one of ordinary skill in the m at the time of the invention to have been motivated to configure the device of Yamauchi with the power supply control circuit to control power for selected and non-selected multiple medium wearable units in order to reduce the consumption of power in a continuous recording operation as suggested by Wakui in Column 2, Lines 4-24.

Claim 33 has been analyzed as a method claim and is rejected under the same grounds claims as apparatus claim 16.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35-40, 47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Suga et al (US 6,449,426).

With regard to claims 35 and 47, Suga et al discloses in Figs. 10 and 8, an image sensing and recording apparatus that comprise the plurality of medium wearable units in which a respective memory medium is loaded (first removable drive 408 and second removable drive 410, memories 421a and 421b, col. 9, lines 35-45), a medium selector medium wearable units a write-execution medium wearable unit that executes writing of data (recording medium selector 64, col. 9, line 50); and a selection controller for automatically selecting said loaded detachably

according a data characteristic that reflects a user's medium selection trait (operation unit 409 includes selection button 63, col. 9, lines 46-67 and col. 10, lines 1-17).

With regard to claim 36, Suga et al discloses in Figs. 10 and 8, an image sensing and recording apparatus that comprises the characteristic set based on resolution of the image data (image sensing parameters include number of pixels to record per frame, col. 4, lines 5-25, col. 10, lines 12-17 and col. 4, lines 5-52).

With regard to claim 37, Suga et al discloses in Figs. 10 and 8, an image sensing and recording apparatus that comprises the characteristic set based on data type of data to be written (images are captured in two different modes such as single mode and sequential image sensing mode; wherein the speeds of reading data are different in each mode).

Method claims 38-40 and 48 recites what was discussed with respect to apparatus claims 35-37 and 47.

7. Claims 41-43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al.

With regard to claims 41-43 and 49, Suga et al discloses the same subject matter as discussed with respect to claim 35-

37, except that a recording medium for storing a program that is executable by a computer of the image capture apparatus.

Noted that Suga et al discloses in Fig. 10, system controller 50 that comprises feature table 5; where the table is inherently stored in a memory (col. 3, lines 60-67 and col. 4, line 1-5).

Official Notice is taken for a recording medium for storing a program that is executable by a computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the system control of Suga et al so as to obtain a recording medium for storing a program that is executable by a computer of the image capture apparatus because the replacement of the Suga system with a computer including a recording medium storing a program would make the Suga system execute camera operations more accurate and faster.

8. Claims 44-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JIM GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

TUAN HO

Primary Examiner

Art Unit 2615